

**CITY OF MUSKEGON**  
**PLANNING COMMISSION**  
**REGULAR MEETING**

DATE OF MEETING: Thursday, May 16, 2019  
TIME OF MEETING: 4:00 p.m.  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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**AGENDA**

- I. Roll Call
- II. Approval of Minutes from the regular meeting of April 11, 2019.
- III. Public Hearings
  - a. Hearing, Case 2019-11: Request for a Special Use Permit for a gas station and car wash at 821 E Apple Ave.
  - b. Hearing, Case 2019-13: Staff initiated request to vacate 4<sup>th</sup> St between Western Ave and Shoreline Drive.
  - c. Hearing, Case 2019-14: Staff initiated request to amend the form based code section of the zoning ordinance to create new context areas for the Lakeside area.
  - d. Hearing, Case 2019-15: Staff initiated request to rezone several properties in Lakeside to Form Based Code.
  - e. Hearing, Case 2019-16: Staff initiated request to amend section 2310 of the zoning ordinance to make several changes to the critical dune ordinance.
- IV. New Business
  - a. Hearing, Case 2019-12: Request for a Site Plan Review for a new building at the new parcel west of 421 W Delano Ave (parent parcel).
- V. Old Business
- VI. Other
- VII. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

Ann Meisch, City Clerk  
933 Terrace Street

## STAFF REPORT

May 16, 2019

Hearing, Case 2019-11: Request for a Special Use Permit for a gas station and car wash at 821 E Apple Ave.

### SUMMARY

1. The property is zoned B-2, Convenience & Comparison Business District.
2. Gas stations and car washes are both allowed with the issuance of a Special Use Permit as long as they meet the following conditions:
  - The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other ordinances of the City.
  - The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
  - There shall be provided, on those sides abutting or adjacent to a residential district, a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.
  - All lighting shall be shielded from adjacent residential districts and from abutting streets.
  - All restroom doors shall be shielded from adjoining residential property.
3. The plan meets all of the conditional requirements for the Special Use Permit.
4. The cement padding in front of the main entrance will be removed, along with the parking on the Apple Ave side of the building. This will create adequate maneuvering isles for cars and keep them separated from the gas pumps.
5. The current drive-thru structure in the back and will be removed. It will be replaced with a pay station with two driving lanes. It is not depicted on the plan, but staff has instructed the applicant to show revised plans at the meeting. Depending on how much space the pay station and driving lanes take up, it may be necessary to restrict the rear drive along Ada Street to one-way.
6. A 5 ft tall screening fence will be erected on the southern and eastern property lines.
7. The current ingress/egress curb cuts on Apple Ave will be reconstructed to create one combined curb cut.
8. A landscaping plan was not included, but the applicant is currently working on one. Additional trees should be planted in the greenbelt buffer on Apple Ave and along the southern edge of the property along Ada St.



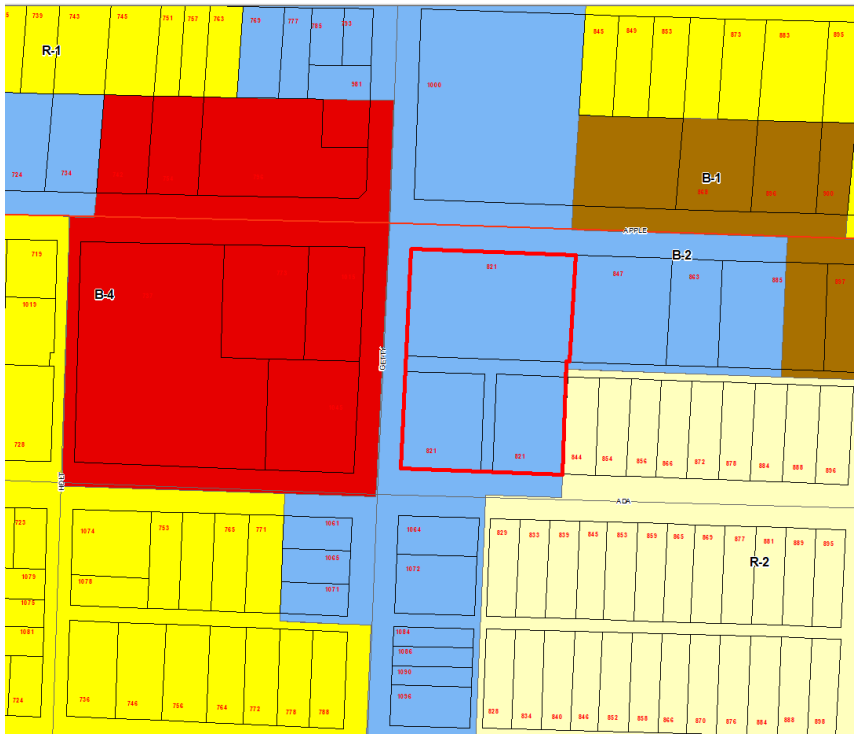
**Curb cuts on Apple Ave to be combined.**



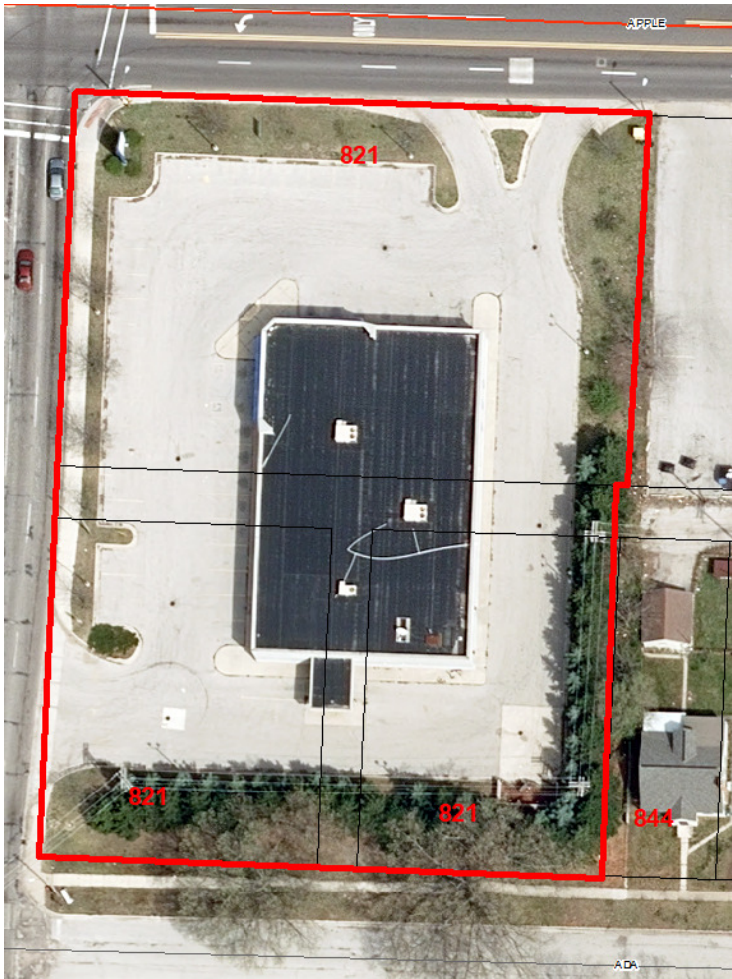
**Current drive-thru structure to be removed. A two-lane pay station will be installed.**



Zoning Map



Aerial Map



## **STAFF RECOMMENDATION**

Staff recommends approval of the Special Use Permit with the following conditions:

- The plan depicts the removal of the drive-thru station and the addition of the pay stations.
- A landscaping plan in provided

## **DELIBERATION**

I move that the request for a Special Use Permit for a gas station and car wash at 821 E Apple Ave be (approved/denied) with the following conditions:

- The plan depicts the removal of the drive-thru station and the addition of the pay stations.
- A landscaping plan in provided



Hearing, Case 2019-13: Staff initiated request to vacate 4<sup>th</sup> St between Western Ave and Shoreline Drive.

Staff will be asking to remove this item as it is not necessary. The convention center can be placed over 4<sup>th</sup> St without vacating it, as pedestrian access is still available through the building.

Hearing, Case 2019-14: Staff initiated request to amend the form based code section of the zoning ordinance to create new context areas for the Lakeside area.

## **SUMMARY**

1. The Form Based Code section of the zoning ordinance was created in 2015 and established six different context areas; Downtown, Mainstreet, Mainstreet Waterfront, Neighborhood Core, Neighborhood Edge and Urban Residential. These context areas establish the uses and development guidelines for each parcel in the Form Based Code.
2. Staff is proposing to utilize the same Form Based Code document and create four new context areas for the Lakeside area; Lakeside Commercial, Lakeside Heavy Commercial, Lakeside Mixed Residential, Lakeside Residential.
3. Below is a description of the new context areas:
  - Lakeside Commercial: This context area will replace most of the B-2 and B-4 business districts in Lakeside. Buildings will be required to be placed closer to the street (0 to 3 feet front setback). Buildings currently located on the south side of Lakeshore Dr are already placed at zero lot line, however, the current B-2 and B-4 zoning requires a 10-foot setback. This change will keep the small setback on the south side of Lakeshore Dr and start to create the same development pattern on the north side of the street as new buildings are constructed. This new context area will also allow buildings to be up to four stories tall, compared to the two-story limit now. This will allow properties to utilize their full potential and create lake views. The new code will also eliminate new curb cuts (unless an alley or street is not present), creating a more walkable environment.
  - Lakeside Heavy Commercial – This context area is similar to the Lakeside Commercial context area, but allows for more intense uses, such as auto repair. This context area was created to allow the current uses in this area, while designing the properties to fit in better with the area. If these current high-intensity businesses (car repair) eventually leave the area, the context area could simply be eliminated.
  - Lakeside Mixed Residential – This context area will replace the residential zoning on Lakeshore Drive. It will also replace some of the B-2 zones on the north side of Lakeshore Drive that are mostly homes. The rezoning from B-2 to Lakeside Mixed Residential will help property owners sell and refinance their homes, which has been a problem because of the commercial zoning. Homes in this district will be allowed to have a 3<sup>rd</sup> story to take in lake views. More housing options will now be available; such as duplexes, small multi-plexes, and rowhouses. Homes may also have small retail options with the addition of a cottage retail building option.
  - Lakeside Residential – This context area will replace some of the residential zoning behind the Lakeside Business District. This area currently has many parcels zoned for high-density residential that would allow large apartments, even though there aren't any parcels large enough to meet the minimum standards. This area consist of detached houses, some of them

which are duplexes and triplexes. This context area would allow single family, duplexes and small multi-plexes (up to 6 units), but no commercial.

4. Notices were mailed to property owners that have parcels listed for the rezoning.

## **STAFF RECOMMENDATION**

Staff recommends approval of the zoning amendments with the following changes.

- 1732 Lakeshore Drive should be changed to Lakeside Commercial. It is already a commercial building and the owner would like to develop the property further.



- 1595 Lakeshore Drive (Wasserman's) should be Lakeside Commercial.

## **DELIBERATION**

I move that the request to amend the form based code section of the zoning ordinance to create new context areas for the Lakeside area be (approve/denied) with the following condition:

- 1595 and 1732 Lakeshore Dr are changed to Lakeside Commercial.

Hearing, Case 2019-15: Staff initiated request to rezone several properties in Lakeside to Form Based Code.

## **STAFF RECOMMENDATION**

Staff recommends approval of the rezonings as presented with the changes made to 1595 and 1732 Lakeshore Drive, contingent upon the approval of the zoning ordinance amendments by the City Commission.

## **DELIBERATION**

I move that the request to rezone the parcels as presented with the changes made to 1595 and 1732 Lakeshore Drive be recommended for (approval/denial) to the City Commission, contingent upon the approval of the zoning ordinance amendments by the City Commission.

Hearing, Case 2019-16: Staff initiated request to amend section 2310 of the zoning ordinance to make several changes to the critical dune ordinance.

## **SUMMARY**

1. The Department of Environmental Quality asked that we make several minor amendments to our Critical Dune ordinance to better reflect their model zoning ordinance. The changes are more clerical and will not change how we enforce our procedures.
2. Please see the revised Critical Dune ordinance enclosure.

## **STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendments to the Critical Dune ordinance.



Hearing, Case 2019-12: Request for a Site Plan Review for a new building at the new parcel west of 421 W Delano Ave (parent parcel).

**421 W Delano Ave**



**Parcels 1 & 2**



## **SUMMARY**

1. The property at 421 W Delano, at the corner of Delano/Park, recently split the parcel into six different parcels.
2. The plans show new buildings on all of the new vacant parcels. The Planning Commission only needs to approve one of the buildings, because it over 10,000 sf. This building is located on Parcels 1 & 2 at the end of the cul-de-sac.
3. The properties are zoned I-1, Light Industrial and are also located in the city's Medical Marihuana Overlay District.
4. Each new proposed building will be for medical marihuana growing and processing. Some buildings may have a retail portion as well; however, the building on Parcels 1 & 2 is only for growing and processing. That building is 17,125 sf and meets all setback requirements.
5. The stormwater from every parcel will drain into the same area behind the buildings. This review will be contingent upon the Drain Commissioner approving their stormwater permit.
6. Staff is still working with other departments on the review, but the plan does appear to meet fire access requirements for Parcels 1 & 2.
7. The width of the lot requires at least three canopy trees, only two are depicted.

## **STAFF RECOMMENDATION**

Staff recommends approval of the site plan for the building addition on Parcels 1 & 2 as long as a revised site plan showing additional trees in the greenspace buffer is submitted to staff, contingent upon a stormwater permit from the Drain Commissioner.

## **DELIBERATION**

I move that the site plan for Parcels 1 & 2 is (approved/denied) with the following conditions, contingent upon issuance of a stormwater permit from the Drain Commissioner.

- More trees are planted on the greenbelt buffer.